HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 13235 OF 2007

DATE: 09.07.2007

BETWEEN

1. Maruboyina Rajaiah and others.

....Petitioners

AND

1. Govt. of A.P. and others.

.... Respondents

-HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 13235 OF 2007

ORDER:

Petitioners are said to be the residents of Gollapalem and Graddagunta Villages of Ozili Mandal, Nellore District. A rivulet, by name Mamidikalva, emanates from Punnepalli tank and passes through the various Villages, including those of the petitioners. On receiving the representation made by the villagers that the rivulet is inundating the lands on its sides, the Government issued G.O.Rt.No.547, Irrigation & CAD (Drainage) Department, dated 03.05.2005, sanctioning a sum of Rs.279.20 lakhs for raising a protective bund along side the rivulet. The petitioners and a number of other villagers are said to have submitted a representation, dated 28.11.2005 to the District Collector, Nellore, marking copies to the higher authorities also, stating that the construction of the proposed bund, apart from not protecting the lands from being flooded by the rivulet, would by itself cause inundation by blocking the free flow of the rain water. The petitioners complain that the respondents are proceeding to execute the work, without considering the representation and they seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and

the learned Government Pleader for Irrigation.

It is but natural that before the Government issued G.O.Rt.No547, dated 03.05.2005, the matter was examined from various angles. The present stage is that tenders were called for and the work order was placed on the highest tenderer. The 5th respondent-contractor is said to have commenced the work also.

In case, the grievance of the petitioners is genuine, the respondents are under obligation to take corrective measures. Though no exception can be taken to the sanction of work or execution thereof, as a whole, wherever necessary, the corrections are to be made, to ensure that the construction of bund by itself does not result in any inundation of water. The petitioners allege that the representation was not considered by the respondents at all.

For the foregoing reasons, the writ petition is disposed of, directing that respondents 2 and 3 shall examine the representation, dated 28.11.2005, said to have been submitted by the petitioners and take necessary steps to ensure that the construction of the bund, in question, does not block the free flow of the rain water nor does it result in inundation of the lands. There shall be no order as to costs.

09.07.2007

JSU